

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE**

CANDICE RANA SULFRIDGE,)
Plaintiff,)
v.) No. 3:05-CV-188, 191, 202, & 203
) (Phillips/Guyton)
JOHN HUFF, LARRY G. MOORE,)
JANETTE HARRIS, TIMOTHY HUTCHISON,)
JOHN DOE I, JOHN DOE II, JOHN DOE III,)
JOHN DOE IV, KNOX COUNTY,)
TENNESSEE, RANDY HINTON, and)
CHESTNUT STREET GARAGE, INC.,)
Defendants.)
ADAM TRAVIS DAVIS,)
Plaintiff,)
v.)
JOHN HUFF, TIMOTHY HUTCHISON,)
JOHN DOE DEPUTY SHERIFFS, and)
KNOX COUNTY, TENNESSEE,)
Defendants.)

ORDER

This matter came before the Court for motions hearing on September 26, 2006.

Upon oral motion, the Court **GRANTS** plaintiffs' motion for withdrawal and substitution of counsel. Attorney Charles R. Terry is permitted to withdraw, and attorneys Herbert S. Monicer and David S. Wigler are permitted to appear on behalf of plaintiffs.

As to defendant Timothy Hutchison's motion to dismiss plaintiff Adam Travis Davis's complaint pursuant to Rule 37 of the Federal Rules of Civil Procedure [Doc. 114], said motion is **DENIED**. However, plaintiff Davis is **ORDERED** to produce all discovery requests to defendant Hutchison on or before November 15, 2006. Plaintiff Davis is cautioned that failure to comply will result in the dismissal of Davis's complaint against defendant Hutchison. Furthermore, upon oral motion, the Court **GRANTS** defendant Knox County, Tennessee's motion for extension of time in which to file dispositive motions. The parties will have until January 15, 2006 in which to file dispositive motions.

As to defendant Timothy Hutchison's motion for summary judgment in his individual capacity [Doc. 131], said motion is **GRANTED** for the reasons stated from the bench.

Further, civil actions *Candice R. Sulfridge v. John Huff, et. al.*, No. 3:05-cv-202 and *Adam T. Davis v. John Huff, et al.*, No. 3:05-cv-203 are remanded to the Knox County Circuit Court from which they were removed, as well as any other claims set forth in civil actions *Candice R. Sulfridge v. John Huff, et. al.*, No. 3:05-cv-188 and *Adam T. Davis v. John Huff, et al.*, No. 3:05-cv-191, except for claims for injury and damages arising under Title 42 U.S.C. §1983. Consequently, the only cause of action remaining in civil actions *Candice R. Sulfridge v. John Huff, et. al.*, No. 3:05-cv-188 and *Adam T. Davis v. John Huff, et al.*, No. 3:05-cv-191 pending in federal court are those arising out of defendants' alleged violations of Title 42 U.S.C. §1983. In addition, defendants Randy Hinton and Chestnut

Street Garage, Inc. are dismissed from civil action *Candice R. Sulfridge v. John Huff, et. al.*, No. 3:05-cv-188.

IT IS SO ORDERED.

ENTER:

s/ Thomas W. Phillips
United States District Judge